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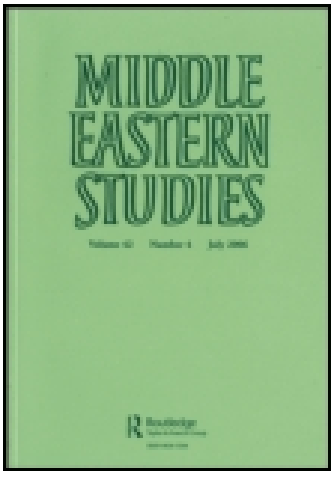

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The Ambiguous Role of the Popular, Society and Public Order Police in Sudan, 1983–2011

WILLIAM BERRIDGE*

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Abdullahi Gallab has observed that the 'Civilizational Project' of the National Islamic Front (NIF), which came to power in Sudan in 1989 in alliance with a military junta headed by Omar al-Bashir, represented 'the first attempt in the history of the country by an ideological party bureaucracy . . . to use the state and its institutions to mobilize and control the entire population'.[1] Indeed, the government has established a number of institutions parallel to the regular police with the intention of mobilizing the population and exercising a particularly rigid form of social control. Although it had its roots in the previous military regime's efforts to establish *shari`a* law between 1983 and 1985, 'Morality policing' under the 'Salvation' regime of the NIF first began with the establishment of Popular Committees of Surveillance and Services.[2] These bodies were further institutionalized through the creation of the Popular Police (*al-Shurta al-Sha`abiyya*) via a presidential decree in 1992.[3] In 1992 the government also established a similar 'parallel' unit in Khartoum state, the Public Order Police (*al-Nizam al-`Am*), applying a Public Order Law passed by the local legislature. The situation has been further confused by the establishment of the Society Police (*Amn al-Mujtama`*). This unit appears to have been established after President Bashir issued an order in 2002 constituting a new 'Committee for the Purification of Society, overseeing the 2000 Morality and Social Guidance Law (*Qanun al-Adab wa'l Raqiy al-Ijtima`i*), a generalized version of the Public Order Law which applied to the whole country.[4] Nevertheless, the functions of the Society Police overlap considerably with those of the Popular Police and these units are now administered together according to a single list, the 'Popular and Society Police List for 2008' (*La'ihat quwwat al-shurta al-sha`biyya wa'l mujtama`iyya li-sannat 2008*).[5] For the sake of simplicity, the article will refer to these three units collectively as the 'Public Order units'. As will be demonstrated below, although the government has represented these units as a kind of institutionalized form of neighbourhood policing built on earlier models, they have in practice also served both as an extension of the

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ruling party's political apparatus, and as a tool for enforcing the regime's own interpretation of Islamic morality.

Have these institutions succeeded in mobilizing and transforming Sudanese society as the NIF envisioned? A number of commentators, including Gallab himself, have already begun to write the obituary of the 'civilizational project' and begun to outline the 'post-Islamist' phase that Sudanese society is now entering. The failure of Sudanese Islamism is indicated by the split that occurred within the NIF in 1999 which led to the ousting of Hasan al-Turabi, the intellectual and political grandfather of the Islamic movement in Sudan, and the formation of a new and supposedly more pragmatic ruling party, the National Congress Party (NCP).[6] Peter Woodward suggests that the 'failure of Islamism' in Sudan is evidence of the inability of ideological parties in infrastructurally weak states to impose their ideologies on their populations.[7] Post-Islamism in Sudan is seen to be characterized by similar trends to post-Islamism throughout the Middle East, such as a moderation of political goals and a recognition that moral and religious reform cannot be imposed top-down by the state.[8] Even al-Turabi himself has admitted the failure of the Islamic movement to transform Sudanese society, arguing that by occupying the major positions in the state, members of the NIF and NCP have effectively abandoned the task of transforming society from within.[9] Within the state itself, Gallab argues that the ideologues of the NIF/NCP, by aligning themselves with the bureaucracy, have surrendered their most ambitious ideological projects to compromise with the more rationalistic and pragmatic objectives of this bureaucracy.[10] Cockett argues that as a result of this new pragmatism, which came to the fore after the expulsion of the more ideological figures such as al-Turabi from the government in 1999, 'the religious police became less active'.[11] It could also be argued that the conclusion of the civil war with the 2005 Comprehensive Peace Agreement gave the regime a pragmatic reason for reining in the Public Order Police, so as to appease southern politicians who cite the application of *shari`a* as a reason for refusing unity with the north.

Nevertheless, this article will demonstrate that whilst the 'civilization project' has certainly failed to turn Sudan into a placid, family-orientated utopia, the government and the various police organs it has established have never ceased trying to achieve this. Indeed, in many respects their efforts to do so have become more organized and systematic. It will be seen that the regime has tried to use the Public Order regime to bolster its own legitimacy by attempting to polarize the political sphere in the north between those who support its interpretation of *shari`a* and those who do not, and can thus be cast as atheists and free-thinkers. As one critic of *shari`a* in Sudan observed in an interview, 'it is difficult for a Muslim to say no, I don't want shari`a'.[12]

One notable aspect of the relatively successful 'post-Islamist' movements that have flourished elsewhere is that they have for the most part emerged in states such as Turkey, Algeria, Egypt, Morocco and Tunisia where political Islamists have been contained by secular regimes, and have not been tasked with dismantling a previously established system of religious law such as exists in Sudan. Moreover, the fact that the Public Order units have continued to operate independently of more regular state institutions such as the police and judiciary has enabled them to continue imposing a more radical and arbitrary social agenda. Thus, it will be seen that whilst the regime made some compromises with pragmatically inclined sectors of the police and the judiciary, it still pursues its own ideologically religious prerogatives. What a

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great deal of the literature that discusses the demise of the NCP/NIF regime's ideological projects is really acknowledging is the abandonment of its efforts to export its own brand of Islamic morality from its intellectual cradle in the riverain centre to peripheries such as the Blue Nile and Southern Kordofan.[13] A great deal of the academic literature on *shari`a* tends to interpret it as an issue in centre–periphery relations, rather than as an influential issue amongst the core northern riverain elites themselves.

Indeed, the activities of these Public Order units have continued to play a highly divisive role in the Sudanese public arena, as a semi-liberated media has channelled the disillusionment within the Islamic movement into a variety of efforts to re-interpret the meaning of political Islam in Sudan. It is important to focus on this debate because a great deal of the existing literature on the Public Order units is produced by Christian and human rights organizations and tends to focus on the role of these bodies in marginalizing the non-Arab and non-Muslim sectors of Sudan's population. Even Rogaia Abusharaf, who admits that the regime's ideology 'imposed serious stresses on secular Muslims as well as non-Muslims', discusses the Popular Police largely in the context of her research on the displaced non-Muslim and non-Arab populations of Khartoum's shanty-towns.[14]

Nevertheless, it is true that another indicator of the enduring importance of the role of the various 'morality' organs in Sudanese political life is the role they play in enforcing the divide between the centres and peripheries of Sudanese society and shaping the character of urbanization in Sudan. For Munzoul Assal, conflict in Sudan has 'defeated the melting powers of urban centres' to the extent that 'what we see instead is a reconstitution of primordial identities'.[15] Whether this has truly happened or not, it has certainly been an objective of government policy. As Abdou Maqilam Simone observes, what the government fears about rural migrants to the cities is that they develop new forms of association that transcend 'traditional' rural values.[16] Thus the Public Order units have striven to prevent the development of relationships that transcend traditional familial and ethnic ties. At the same time, they have reinforced social distinctions that define the distance between the centres and peripheries of Sudanese society by pursuing discourses that establish the peri-urban neighbourhoods populated by rural migrants as sources of crime and moral degeneration. However, it is too much simply to define the Public Order units as the tools of the interests of the educated riverain elite – as Abdullahi Ali Ibrahim observes, at the time when 'morality' legislation was first introduced in 1983 it was used channel popular anger at the rich amongst the riverain townsfolk by targeting regime officials who were out of favour.[17]

Thus this article will focus on the intra-northern debate on the Public Order units. In this debate, the actions of the Public Order Police and other units have been criticized not just by leftists, secularists and non-Muslims but also by political Islamists who have begun to fear that the arbitrary actions of these units do not represent the best means of strengthening Islamic values within Sudanese society. At the same time, a fierce campaign in support of the Public Order Laws and the units that enforce them is being mounted both by a variety of factions within the government and the more conservative elements of the media. This debate offers a number of clues as to the parameters that will define the renewed discussion of northern Sudanese identity in the wake of southern secession.

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Throughout their existence to date, it has been unclear whether the Public Order units function more as a local 'neighbourhood watch' or as guardians of public morality – reflecting the conflicting agendas of the NIF ideologues who were behind the establishment of the unit. Although the 1992 Popular Police List stated that their function was to 'assist the police', the government memorandum accompanying the 1992 decree that established the new force explained that its functions included 'strengthening Islamic morals' (*ta'asiil al-qim al-Islami*).[18] The government also recruited a number of members of the Popular Police to fight in the conflicts in the west and south of the country.[19] The 2008 'Popular and Society Police' list defines their role as 'calling upon popular energies to preserve security and public order, and raising up and refining society according to religious directives'. Specifically, its aims include 'furthering preventative action against crime and the participation of society in this', in addition to 'achieving an effective partnership between police and society'.[20]

However, it is also their purpose to 'strengthen positive values within society and fight harmful and mistaken customs'. Whilst their 'duties' (*wajibat*) involve 'undertaking patrols of the residential quarters and markets', there is also a distinctly pious tone to some of these duties, which include 'encouraging good morals by propagating virtue and preventing vice, and fighting harmful customs' in addition to 'protecting the family'.[21] The head office (*al-idara al-`ama*) of the Popular Police and Society Police has declared that its functions include spreading 'upright marriage'.[22] All of these duties seem to indicate that these units possessed a decidedly more intrusive social agenda.

This ambiguity in the role of the Popular and Society Police is perhaps the reason for the cynicism amongst the Sudanese public concerning the capacity of these units to offer genuine protection against crime within urban neighbourhoods. For instance, after running away from a thief in Hayy al-Halanga in Kassala, the author asked a local resident whether the Society Police patrolled the area and was told 'No, all they care about is what the woman is wearing [*sic*]'. Indeed, in an interview in 1993 the head of the Public Order Police declared that they were 'specialized' (*mutakhassis*) in dealing with the phenomenon of 'shameful clothing' (*al-zayy al-fadih*).[23] The Society, Popular and Public Order Police tend to appear most often in the media in connection with offences such as alcohol distribution and consumption, premarital sex, use of pornography and of course the adoption of 'shameful clothing'.[24] However, they have also established a special 'Department for the Protection of the Family and the Child' (*Idarat Himaya al-Usra wa'l-Tifl*), which tends to deal with cases involving the trafficking and sexual abuse of children, and recently scored a major success in 2009 in recovering 11 children abducted by a gang of kidnappers in Omdurman.[25] The emergence of such a department indicates that these units are not exclusively inimical to society and in some respects could be seen as quite sympathetic.

Nevertheless, it does not seem that the Society Police act as 'bobbies on the beat'. They appear in the criminal press more in the context of sporadic 'campaigns' (*hamlat*), and it is unclear to what extent they maintain a consistent physical presence patrolling the neighbourhoods. In December 2010, citizens in Halfaya district of Khartoum complained that they were suffering from regular break-ins and carjackings because of the lack of patrols in the area.[26] In both Um Bedda and Haj

Yousif, citizens have been forming their own neighbourhood patrols due to the absence of the police.[27] The neglect of Um Bedda in particular could reflect the hostile attitude of the regime towards Darfuris after the outbreak of the conflict in the western region in 2003, which led to a number of 'African' Darfuris being ejected from the various security forces.[28] In such marginalized regions where the Society Police have a greater degree of responsibility, they rely to a considerable extent on 'co-operation' with the courts attached to the 'Native Administration' (*al-idara al-ahliyya*).[29] Thus it seems possible that by enacting a very specific moral, political and religious agenda, the various Public Order units have at least to some extent relinquished their role in preventing more tangible forms of local crime.

There are also obvious political reasons for the ambiguity in the role of the Public Order units. As Alice Hills has observed, African regimes fear the potential for centralized and institutionalized police forces responsible to an independent judiciary to create alternative power centres within the regime and hold politicians to account for violations of the law.[30] The politicians at the centre of post-colonial African states have sought to use parallel institutions to bypass judicial supervision of the police.[31] The Sudanese regime has used the various 'morality' units for precisely this purpose, and has thus created a separate police structure that sits uncomfortably with the regular police force and judicial system.

This is why the precise scope of the jurisdiction of these units and their capacity to practise police authority has always been controversial. When the predecessors of the 'Salvation' Regime's morality organs, the 'Propagation of Virtue and Prevention of Vice' Groups, appeared after the former military president Jafa'ar Numayri's Islamization of the law in 1983, their actions were sanctioned by the Propagation of Virtue and Prevention of Vice Act of 1983.[32] Officially, this act did not give the 'Prevention of Vice' teams any authority to inflict vigilante-style justice. Indeed, it stipulated that those who observed immoral acts should merely inform the proper authorities 'without resorting to defamation or slander or spying or trespassing on other people's freedoms'.[33] Al-Mukashifi al-Kabbashi, who was a member of the Supreme Court and president of the Criminal Court of Appeal in Khartoum during the implementation of the September Laws, argued in his defence of the 'Islamization' project that these groups merely had the task of 'directing and guiding' (*wazifa tawjihiyya wa irshadiyya*), and had no executive authority to inflict punishment.[34] Nevertheless, they would often assist the physical application of the laws, for instance by reporting inhabitants of 'suspicious houses' (*manazil mashbouha*), where they believed pre-marital sex to be practised, to the police.[35]

Furthermore, it is clear that a number of these groups appear to have taken on police authority, although probably without the official permission of the police themselves. In 1984, members of the Islamic movement began to argue that they were better qualified than the other security forces as the latter had been established during the period of *jahiliyya* (ignorance).[36] Numayri, after he chose to denounce the Islamist movement later in 1984, claimed that the 'Prevention of Vice' groups had exceeded their legal authority and started to assume police authority.[37]

Although the 'Salvation Regime', which revivified *shari`a* after 1989, championed the Popular Police as a means of extending police authority, in practice it has tended to use them to bypass the authority of the regular force. When the government first established the Popular Police in 1992 it simultaneously created a 'Popular Police

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Force Council' (*majlis quwwat al-shurta al-sha'biyya*), comprised of the minister of interior, secretary-general of the National Congress, the director-general of the National Intelligence and Security Services, a representative of the army, and the 'co-ordinators' (*munassiqin*) of the Popular Police, Popular Defence Forces and the National Service.[38] The 'co-ordinator' of the Popular Police was a non-policeman appointed by the minister of interior.[39]

Given the direct involvement of military, security and political figures in overseeing the Popular Police, it was not surprising that their executive authority extended well beyond the old principle of Propagating Virtue and Prohibiting Vice.[40] The 1992 list gave the Popular Police all the powers of arrest that were warranted to the regular police.[41] Officially, the role of the Popular and Public Order Police when dealing with 'shameful clothing' was to offer 'advice' (*munasaha*). However, if this did not work, then they could in 'a few cases only' bring individuals to court.[42] Not that the police were always grateful for this help: part of the reason that the Popular Police was established as an official body in 1992 was because policemen had objected to the powers of arrest granted to the Popular Committees, and even arrested their agents when they attempted to apprehend members of the public.[43] Thus, after the establishment of the Popular and Public Order Police in 1992, the new units were placed directly under the Popular Committees to bypass the mainstream force.[44] These units often had rations, uniforms and equipment provided to them by a variety of Salafi philanthropic organizations with links to the NIF, further demonstrating their separateness from the regular police.[45]

The Public Order Police often sent offenders to Public Order Courts linked to the Popular Committees directly, thus bypassing the regular police and judicial system entirely.[46] In 1996 Mahjoub Khalifa, the governor of Khartoum, announced that they would function as 'in the field judges touring the streets of the capital and issuing judgements instantaneously' (*quda maydaniyyin yajubun shawari` al-`asima wa yusdurun ahkaman fawriyyan*).[47] The extent to which these units disregarded the regular judiciary was demonstrated by an incident from Khartoum in 2000. When one judge reportedly protested at the manner in which the Public Order Police were raiding a local shop, in spite of his position the Public Order Police arrested him for obstructing them in the course of their duty![48]

The degree of tension that existed between the Popular Police and other branches of the Sudanese security forces was highlighted in 1996 when the Popular Police clashed violently with members of the Sudan Armed Forces who had been sitting and drinking tea in the Sug al-Sha'abi in Omdurman with one of the many tea ladies found in the area. The fight, which began when members of the Popular Police informed the soldiers that sitting with tea ladies was inappropriate, eventually had to be broken up by members of the regular police through use of tear gas. In the aftermath of this incident, reporters from the London-based Arab newspaper *al-Sharq al-Awsat* claimed that they had been told by army sources that these incidents reflected the general state of tension between the regular security forces and parallel units like the Popular Police whose connection to the NIF was resented by the former.[49] Abdalla Hasan Salim, a pre-Salvation police commissioner general, observed in a thesis published in 2005 that a number of serving and retired officers, as well as members of the public, considered the Popular Police, rather than as assistants to the regular police, as a counterpart to them (*muwaazi laha*).[50] At one stage,

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it appears the government was planning to use the Popular and Public Order Police to replace the regular police completely by 2005.[51]

It is likely that a key factor in the collapse of the project to replace the regular police with the party-sponsored police was the state's access to oil revenues from 1999. Before this, the regime's funding had come mainly from international Islamic organizations, which were channelled by the NIF and used to develop its own institutions such as the Popular Defence Force and Popular Police.[52] However, in 1999, Sudan's military dictator, Omar Bashir, split decisively with al-Turabi and it seems likely that after this, although Bashir remained allied to the anti-Turabist wing of the Islamist movement, the state's access to oil enabled him to grant funds to develop the more mainstream security forces.[53] Since this point, the Popular Police seems to have been incorporated to some extent within the regular police, alongside the newly established 'Society Police'. Rather than placing these units under any political or religious body, the 2008 Popular and Society Police List subjects these bodies to a series of police-led councils on the levels of the nation, state (*wilaya*) and locality (*mahaliyya*).[54] The higher council (*al majlis al-`ala*) on the national level is headed by the minister of interior with the commissioner-general of police as his deputy, while the local councils are headed by senior police officers at the level of the state and locality.[55]

However, the Popular Committees, which are still regarded by the population as a front for the ruling party[56] and whose primary function under the new local government law is the 'purification of society' (*tazki'at al-mujtama'*),[57] still appear to have at least some level of influence over these units.[58] For instance, it is these local committees which direct Society Police campaigns to 'clear up' local markets of pedlars and tea ladies.[59] The Society Police even has its own criminal investigative unit (*mubahith amn al-mujtama'*) which has appeared in the press recently dealing with offences relating to alcohol and extra-marital sex.[60] This seems to indicate that they still maintain their own separate organizational structure independent of the regular police.

Another factor which could have influenced policy towards the Public Order units was the end in 2005 of the second Sudanese civil war, which had polarized the identities of Muslims and non-Muslims. A number of sources argue that, since the Comprehensive Peace Agreement (CPA) of 2005 which brought non-Muslim southerners into the government and outlined a framework for national unity, the government has been forced, reluctantly, to rein its various 'morality' laws.[61] This would tend to support the view that the government has become less ideological and more pragmatic. The BBC reported in 2010 that the capital was becoming progressively more socially liberal, and that 'Now cool young Khartoum-ites dance at rap concerts, while traditional singers earn good money from performing at weddings'.[62]

The CPA exempted Khartoum, as the national capital, from the application of *shari`a* law, although since then the NCP has persistently argued that Khartoum is a part of the north and that *shari`a* should thus be applied there.[63] In accordance with article 157 of the 2005 Transitional Constitution, the commissioner-general of the Khartoum police issued an order in November 2007 establishing a committee to co-ordinate between the Society Police and a delegation representing the rights of non-Muslims, but this does not seem to have exempted Khartoum's southerners from application of *shari`a.*[64] Whilst southerners acknowledge that the morality

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police have become more lenient with regard to the clothing of southerners, they argue that they are pursuing alcohol vendors just as strictly as they had before the agreement.[65] Moreover, there was one prominent case in 2009 of a southern girl being arrested and instantaneously lashed in the Kalakla Public Order Court for wearing a skirt and a blouse.[66]

It seems that in most respects the 'morality' laws are being applied just as stringently as they ever were, especially since the CPA gave the government no particular incentive to stop applying them to the northern Muslim population. In December 2010, Umma Party politician Mariam al-Mahdi claimed that 40,000 women had been taken to the Public Order Courts in 2010 alone, and each whipped 40 times. Even allowing for politically motivated exaggeration in this account, it hardly seems as if the Public Order Courts are scaling back their activities. On 2 April 2011 the ultraconservative newspaper *al-Intibaha* announced that a recent Society Police campaign had resulted in 82 arrests for the selling of rural alcohol, alongside 32 arrests for 'inappropriate dress' (*zawahir saliba*).[67] In 2008, one officer claimed that the Society Police were running 64 such campaigns every day in each of its individual sections spread throughout the various localities (*mahaliyyat*).[68] In 2010 the director of the Omdurman Men's Prison stated that it was witnessing an intake of between 200 and 250 new inmates each day, around 80 per cent of whom had been sentenced for crimes involving alcohol.[69]

Nevertheless, it seems that whilst the government cracks down severely on the activities that it defines as immoral, it has had no apparent success in stamping them out. In 2009, Abd al-Rahim Muhieddin, a member of the Islamic Movement disillusioned with the failings of the 'Civilizational Project', argued 'if you want to know the isolation of the Islamic Movement and its withdrawal from society and the universities then you could ask the Public Order Police about the flats rented for depraved practices (*al-mumarisa al-razila*), which the press have been talking about recently and the numbers of which are on the increase'.[70] Muhieddin's observation is indicative of the opinion of al-Turabi cited above that by entering the state the Islamic movement had forfeited its chance to reform society from within. Thus, in Muhieddin's eyes, the sexual practices outlawed by the state were actually spreading in spite of the draconian regulations imposed by the regime.

Recently, a friend in Um Bedda informed the author it was possible to arrange liaisons with any number of his 'girlfriends' in a variety of hidden locations. Two days later, I read in *al-Dar* that the Society Police had arrested ten young women and two young men caught in the process of committing 'shameful acts' in a house in Um Bedda.[71] As one lawyer actively opposed to the Public Order Laws remarked in an interview, when the inhabitants of the shanty-towns are dragged into the courts for alcohol brewing or 'shameful acts', 'they look on it as [just] a misfortune'.[72] Nevertheless, the introduction of the morality police has changed the rules of the game somewhat: whilst Sudanese may still claim they are the 'stronger drinkers' of any country, such drinking as does occur is still relatively covert.

Another much-debated question is the geographic scope of the Public Order units. Historically, they have tended to be restricted to the major urban areas, especially the capital. One activist who campaigned against the implementation of *shari`a* in the 1983–85 period argued that whilst the changes to the legal system did affect the countryside, 'in the small towns, the villages, the people they know each other and

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they are more merciful than in Khartoum, that is where implementation happened, in Khartoum itself, in other parts, they happened, but they are not as severe as here in Khartoum'.[73] Even in the present day, one prominent opponent of *shari`a* claimed

> You see, they are actually controlling the big cities only, but the country itself is living its own life, and even in the country itself, we don't have bars, we don't have off-licences, but here we have home delivery, it's more comfortable, and people are drinking, and are having sex, and people are having normal life.[74]

This said, the government is slowly extending its various morality laws and the police units that enforce them into Sudan's provinces. In 2006, the NCP governor of al-Qadarif state managed to get a 'Purification of Society Law' (*Qanun Tazki'a al-Mujtama'*) – the equivalent of Khartoum's 'Public Order Law' – passed by the local legislature, in spite of the opposition of all the other major political forces in the state.[75] In December 2010, the government opened offices for the Society Police and Popular Police in Aroma, a relatively small town in Kassala state.[76]

Again, this leads one to question whether the regime's public morality project is really being scaled back. In spite of al-Turabi's exit from the government, the apparent failure of the originators of the 'civilizational project' to stamp out 'immoral practices', and the peace deal with the south, it seems that significant factions within the government remain committed to expanding the Public Order units.

Nothing demonstrates the regime's commitment to the expansion of the Public Order units better than the severity of the public backlash they have provoked. In recent years, the involvement of the Public Order Police in a number of heavily publicized incidents, which have provoked an intense debate in the Sudanese media, has revealed the divisive role they play. They have been criticized on a number of grounds; firstly, that their attempts to impose a uniform vision of personal behavioural norms would inevitably lead to conflict in a multi-cultural, multi-ethnic, multi-faith society; secondly, that they violate women's rights; thirdly, that their powers were poorly defined, arbitrary and prone to abuse; fourthly, that the various 'morality laws' they enforced violated the very principles of religion that they were theoretically intended to preserve; fifthly, that their enforcers did not apply them correctly anyway. Thus the actions of the morality police have provoked not just leftists, secularists and human rights defenders but also those who adhere in one way or another to some form of political Islam.

The one event which provoked the most acute public debate was the appearance in December 2010 on *YouTube* of a video appearing to show a group of policemen whipping a woman in the street. The video was particularly controversial because the policemen appeared to be taking particular pleasure in executing the punishment, laughing and even allowing a number of witnesses to record the incident on their mobile phones. Although many commentators would identify the policemen who appeared in the video as Public Order Police, police sources would later claim they were from the Courts Police – a unit of the police established specifically to attend the regular court system, keep order and execute punishments where necessary.[77] However, this could have been an attempt to defend the Public Order Police from

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the accusation that they acted as the 'witness, the prosecutor and sometimes even the executioner'[78] by associating the punishment with the official judicial system.

Indeed, the instantaneous and arbitrary nature of the justice imposed by the Public Order Police and Public Order Courts was one reason for the widespread public criticism of them. In the wake of the *YouTube* scandal opponents of the Public Order regime characterized it as a kind of 'take-away' justice in which the accused is apprehended, brought to court and tried all within the space of one day.[79] As a result, critics argue that there is a great deal of scope for arbitrariness in the application of the law and its exploitation not just by policemen but by opportunistic blackmailers as well. Hayder Ali has argued that because the Public Order Courts are not subject to 'known laws and procedures', they get away with so many abuses that opportunists impersonate them in order to intimidate people and extort bribes from them.[80] In this context it is worth noting that whilst the regular police was only permitted to recruit from members of the public who had never perpetrated a crime which merited imprisonment, anyone could join the Popular and Society Police so long as they had not committed an offence 'violating honour or trust' (*mukhillat sharaf au amana*).[81] The arbitrary actions of the Public Order units have also offered critics the opportunity to exploit tensions within the state by exposing the extent to which they operate independently of the regular force. Shortly after the *YouTube* incident, Sudanese columnist Zuheir Siraj claimed that the police headquarters 'practises only administrative supervision over the Public Order Police', asking the police commissioner 'why are you letting untrained civilian elements interfere with police work?'[82]

The most outspoken critics of the Public Order regime are unsurprisingly leftists and liberals. These include both the Communist movement, which has always been staunchly opposed to the introduction of religious law,[83] and the Republic Brother movement founded by Mahmud Muhammad Taha whose original opposition to government's interpretation of *shari`a* in 1983 led to his execution at the hands of Ja`far Numayri. Taha's daughter, Asma', who has campaigned against the political exploitation of *shari`a* in Sudan ever since, explained in an interview that the Republicans oppose the way the law was 'Islamized' not just because 'they are not true Islam' but also because such laws, if implanted in a society that is 'very diverse, culturally, ethnically, religion-wise … will divide and add to the problems of the society'.[84]

However, what was relatively novel about the events of December 2010 was that they led to the Public Order regime being criticized even by those who shared the regime's vision of political Islam. In this context it is worth noting that even Hasan al-Turabi now claims to be 'dead against' the Public Order Laws, blaming them on the influence of the military in the government.[85] One journalist who decried the fact that leftists, Republican Brothers and secularists were exploiting the *YouTube* incident to attack the 'holy law of God' nevertheless admitted that the Public Order Law itself was 'not good for Islam', criticizing the fact that sentences could be inflicted without legal defence being available and potentially based on the testimony of one member of the Public Order Police.[86] Another author who stated that he was not 'opposing Islamic judgements' argued that nevertheless they had to be made in the right way, and that perhaps the Public Order Law should be reviewed. He also ordered that the Public Order Police themselves needed to 'gain a better understanding of religion' (*yatafaqqihu fi amr al-din*), implying that their implementation of the

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laws was poorly guided.[87] Indeed, the Imam of one mosque in Bahri attacked the policemen who had appeared in the *YouTube* video, stating that according to classical *shari`a* law the executors of floggings should not inflict the blows randomly, nor raise their whips above their shoulders as the policemen in the video had done.[88] The Public Order Police also attracted criticism in 2009 after the arrest of a southern girl charged with wearing 'shameful clothing', on the grounds that the Public Order Court inflicted 40 lashes, whereas the correct number for a minor was 20.[89] However, it is worth noting that by criticizing the failure of their agents to enforce them correctly, these journalists were implicitly and often explicitly recognizing the Public Order Laws as legitimate; even those who argued that the Public Order Laws should be reviewed were not challenging the actual principle of punishing women for 'shameful clothing'.

Whilst most of the male journalists who criticized the scenes depicted on *YouTube* and other incidents shied away from demanding an outright cancellation of the Public Order Laws, female journalists and women's rights groups were more outspoken. In 2009, after Sudanese journalist Lubna Hussein protested at being sentenced to be flogged for wearing trousers, and after the *YouTube* scandal, the police broke up demonstrations by women demanding the cancellation of the laws.[90] After the latter incident, the Sudan Women's Union demanded the removal of the Public Order regime.[91] Ikhlas Nimr, a journalist in the centre-left organ *al-Sahafa*, observed the irony of the police once again bringing the issue of violence against women to the fore as the Women's Union was beginning to introduce campaigns in schools to eradicate this phenomenon.[92]

The laws were also criticized for their ambiguities. The actual text of the laws did not specify which particular clothes, such as skirts, blouses or trousers, could be defined as 'shameful'. One critic observed: 'It's as if those responsible for interpreting it have made no attempt to remove the obscurities'.[93] Apparently the headquarters of the Public Order Police issued a memorandum to the various police units explaining what precisely 'shameful clothing' represented – but trousers were not included in this.[94] The same author argued that the problem this created was that it left the matter of interpretation up to the policemen themselves, who inevitably did so according to their own 'cultural and educational backgrounds'.[95] As a columnist for *al-Sahafa* complained, this made the whole process particularly arbitrary in light of the instantaneous nature of the judgement, which, combined with the obscurity of the text, made everything depend on 'the viewpoint and assessment of one policeman' (*taqdir wa ru'ya wahid min afarid al-shurta*).[96]

The morality laws have also been criticized on the basis that Islam does not condone the violations of privacy committed by the various Public Order organs. After morality legislation was first introduced in 1983, its critics argued that the Propagation of Virtue and Prevention of Vice Committees were violating classic Islamic rulings which forbade spying and violations of privacy, such as the Quranic injunctions not to enter houses without permission (II/189) and not to 'spy upon one another' (IL/12).[97] Even today, police officers will admit privately their disapproval of the many breaches of privacy committed by the Society Police when raiding houses for drugs, alcohol and sexually explicit material.[98] Shaikh al-Karouri, a prominent member of the government and religious establishment, admitted in a book entitled *The Effects of the Salvation's Efforts in Purifying Society* (*Athar Juhud al-Inqadh fi*

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Tazki'a al-Mujtama') that there had been a certain difference of viewpoints (*tabaayun*) within the state agencies over the application of the morality laws, as some were concerned to preserve personal freedoms and protect personal privacies (*al-haramat*).[99]

However, the conservative press did attempt to defend the Public Order Police from an Islamic perspective. Al-Tayyib Mustafa, editor of *Al-Intibaha*, attempted to polarize the debate by arguing that those who were demanding the cancellation of the Public Order regime had 'declared war on Islam'.[100] Nevertheless, the statements of Mustafa, the uncle of President Bashir, were as indicative of splits within the government and within the Islamic movement over the issue as they were of a solidly defensive position on the issue. It is worth remembering that *Al-Intibaha* had been banned by the government for several months earlier in the year on account of the fact that the social conservatism of its writers was leading them to support secession on the grounds that the Muslim north could never integrate with the non-Muslim south.

Thus it seems that the media pandemonium over the Public Order Laws has caused a number of tensions within the state itself. The presidential pardon offered to Lubna Hussein after her ridiculing of the sentence imposed on her for wearing a pair of trousers highlights the embarrassment some factions within the regime feel about the imposition of the law;[101] whilst the government did not make any moves to change the law in the wake of the Lubna Hussein incident, its desire to appease the vocal and outspoken journalist demonstrated that some members of the government were beginning to consider these laws almost a liability, particularly when they drew the attention of international media organs. Moreover, certain factions within the government were more willing to criticize the Public Order regime in the wake of the *YouTube* video than others. Isma'il al-Haj Musa, the deputy president of the Council of the States (*Na'ib Ra'is Majlis al-Wilayat*), although he defended the Public Order Laws against charges that they were 'unconstitutional', admitted that there had been a certain 'arbitrariness' (*ta'assuf*) in their application.[102] The police and judiciary established committees to investigate the events, and a parliamentary committee was set up to consult with the Ministry of Justice over the issue. It is unclear whether any of these committees had any genuine intent of holding policemen to account over the events depicted in the video, but this question became irrelevant after Bashir publicly condemned the decision to launch an investigation. In a public rally in Qadarif on 19 December 2011 in which he maintained the government's commitment to defining Sudanese identity in Arab and Islamic terms, Bashir asked 'what are they investigating?' ('*al-tahqiq fi shinu?*'), arguing that the police and judiciary should not investigate the application of the *hudud*.[103] Like al-Tayyib Mustafa, Bashir attempted to polarize the debate by claiming that those who had criticized the Public Order Laws were not true Muslims.[104]

Bashir's intervention, following which discussion of the incident immediately disappeared from the Sudanese media, demonstrated the capacity of the regime to silence public criticism of its religious ideology. Nevertheless, the frenetic debate leading up to Bashir's speech in al-Qadarif offered ample evidence of the diverse range of views in northern Sudanese society over the Public Order Laws. Nevertheless, it is this diversity of opinion that helps the Public Order Laws to survive – the Sudanese public remains divided between women's groups, secularists and

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leftists who believe the laws need to be abandoned altogether and political Islamists who believed that they only need to be reformed.

One of the most paradoxical aspects of the government's use of 'morality' policing is that it reveals a simultaneous and contradictory desire to both reject and preserve rural social values, reflecting the cultural eclecticism of Sudan's countryside. The fear of the danger that the social values of the rural periphery posed to the riverain towns was demonstrated by one member of the Society Police, Abdullah Abd al-Rahman, in a seminar held at the Centre for Women's Studies (*Markaz Dirasat al-Mar'a*) in 2002 to explain the problem of 'moral licentiousness' (*al-infilat al-akhlaqi*). Abd al-Rahman and Police Major 'Abeid Muhammad argued that sections (*qita'at*) of Sudanese society migrating from Sudan's rural peripheries to the major towns brought with them 'their local cultures and understandings' which supposedly included such 'forbidden things' (*munkarat*) as cannibalism, alcohol consumption and fornication.[105]

It has been argued that the Public Order regime is, in particular, aimed at rural migrants from the southernmost 'African' peripheries.[106] The various morality units pursued rural alcohol sellers with particular tenacity. One Human Rights Report from 1995 observed that 69 per cent of the inmates of Omdurman Women's Prison were from either the south or the Nuba Mountains, and that the vast majority of these had been interned for crimes involving the sale or consumption of alcohol.[107] The Society Police have also clamped down on practitioners of various forms of magical healing common in the rural areas of Sudan, whom they define as *dajjal*, a word which could translate roughly as 'imposter', 'trickster' or 'quack'. In December 2010, the Society Police in Hayy Nasir in Khartoum arrested one such '*dajjal*', who was treating a sick local bus driver using leopard skins.[108] The *Sudan Human Rights Monitor* has reported that throughout late 2010, the Public Order Police and other branches of the security forces targeted the residences of southerners in IDPs and other regions of Khartoum, making a number of arrests for alcohol consumption.[109]

The Public Order units have also been instrumental in the removal of unplanned housing areas (*sukn ashwa'i*) established by rural migrants at the edges of the capital, Khartoum.[110] The threat that these areas were held to pose was depicted by the northern Sudanese press in highly racialized terms. Papers described them as potential havens for 'Negro' gangs which targeted 'northern citizens'.[111] Thus the various 'morality' units served, alongside the regular force, as the state's physical tool for the enforcement of the highly racialized divide between the centres and peripheries of Sudanese society, forcing rural migrants who attempted to breach this divide back into the countryside.

At the same time, the various morality organs also represent the government's fear of the threat that modern urban life poses to its own idealized interpretation of traditional Sudanese social values. Abd al-Rahman and Muhammad listed 'Technology, the media revolution and the internet' as causes of moral licentiousness in contemporary Sudan.[112] Furthermore, the government and the morality police clearly feared the capacity of towns to act as Assal's 'melting pots', breaking down rural forms of social organization. They argue that the interaction of people from different backgrounds would produce a culture with a 'weak sense of belonging' which they described using the Arabic word '*Hajin*', which Hans Wehr translates into English as

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'Mulatto' or 'half-caste'.[113] This seems an implicit reference to the riverain elite's fears of the effects of sexual miscegenation. The argument was followed by a statement that the poor sectors of society fleeing to 'replacement families' lead to young boys and girls living 'according to their wish'.[114] Thus it seems that the policing of sexual morality was directly tied to the government's policy of preventing the emergence of the kind of pan-ethnic social groups that would challenge the Salvation regime's attempts to keep society 'tribal'.

Indeed, the Society, Popular and Public Order Police have not exclusively restricted themselves to targeting the marginalized populations of Khartoum's peri-urban areas. In 2003, the Society Police announced that its campaigns to deal with public manners would focus particularly upon the tourist resorts and upon the banks of the Nile.[115] These were the locations typically frequented by the affluent urban elite and university graduates. On 30 December 2010 the Society Police arrested a businessman in Hayy al-Safa' in Central Khartoum, who was found in his flat in possession of alcohol and in the company of a young girl with whom he was charged with committing 'indecent acts'.[116] Affluent celebrities associated with sports or art have also been popular targets – although it is worth remembering in this context that in classical Islam entertainers have always been understood to be of low social origin. On 9 November 2010, the Public Order Court in Bahri sentenced two famous football players from the *al-Mereikh* team and six other defendants to 40 lashes for alcohol consumption after the police had raided their private flat in the Kfoury area.[117] On 6 February 2011, the Society Police raided the house of popular singer Jamahiri Shaab and arrested him and a number of his friends, who were all discovered in the company of a number of young girls, and in the possession of alcohol and drugs.[118] The Society Police also broke up a fashion show in Khartoum in late 2010 and arrested a number of its conveners, claiming the occasion was being used as an excuse for a mixed-sex party.[119] Thus the actions of the Public Order units reflect not just the Islamist movement's fear of the threat that the impoverished peripheries pose to the social values of the developed urban areas, but the fear that the newfound wealth of these urban areas will lead to moral degeneration. However, members of the government, in spite of frequent stories about corruption, have not yet turned out to be targets of the Public Order regime.

Far from seeing the various morality units as a means of protecting urban society and urban values, members of the urban elite opposed to the government understand them in quite a different way. Members of the educated elite perceived that a number of the new police organs brought in by the Salvation were manned by 'African' groups, particularly from Darfur. Such men were associated by members of the riverain elite with brutality and an inability to 'pay attention to the decorum of things'.[120] Although some of these Darfuri groups would have been removed from the various security forces after the outbreak of the Darfur rebellion in 2003, the educated classes in the towns have tended to see these men as inimical to urban values. After the *YouTube* incident, one journalist suggested that the Public Order Police needed to 'civilize' (*tathqif*) its members.[121] Anti-government academics and students tend to claim that the government recruits members of its various police organs from rural and uneducated types, and turns them against the government's educated and progressive opponents by claiming that the people of the cities have abandoned traditional Sudanese society.[122] Thus members of the anti-government intelligentsia have

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themselves begun to 'other' the police units that were developed by the regime as an instrument of 'otherization'. Far from protecting the affluent urban elite from the marginalized peoples, the government is seen as exploiting the anger and resentment of those living on the margins of society *against* its opponents in the educated elite. It is worth noting that the government and the Islamic Movement have tended to focus on the peripheral areas of Sudanese cities for recruitment to the various organs of its 'morality' units. When the 'Propagation of Virtue and Prevention of Vice' groups first began to appear in 1978, the Islamic Movement recruited them from the poorest quarters of riverain cities, offering financial incentives to join.[123] Even today, senior police figures address calls to join the Popular and Society Police to residents of 'far-out localities' (*mahaliyyat na'iya*).[124]

One example is Suleiman al-Marboud, a member of the Popular Police whose obituary was published in Khartoum's principal crime newspaper, *al-Dar*, after he was killed in a confrontation with an armed robbery gang in one of the unplanned (*ashwa'i*) regions of Khartoum North. Al-Marboud had left his mother and father in a village near Rahad in al-Qadarif State in eastern Sudan to come to the capital seeking wealth. However, after failing to get into business he decided to join the Popular Police. At the time of his death he was living in the region of 'Ta'wiidat' in the East Nile district of Khartoum in a house with no running water and no electricity.[125] It was ironic that although the safeguarding of family values was one of the main priorities of the Popular Police, the institution relied on men such as al-Marboud, who were willing to break with their rural Sudanese families to come to town and seek wealth.

This article has undertaken a study of the various Public Order units as a means of criticizing the notion that Sudan's regime is 'post-Islamist' and has abandoned its attempts to transform the moral habits of Sudanese society. It has argued that whilst moral re-engineering of Sudanese culture never transpired in the way that the instigators of the Public Order regime hoped, the government is still pursuing its Public Order project even as it sometimes claims to the West to have embraced 'Islamism with a human face'. At the same time, the Public Order regime has become an extremely contentious issue within northern politics, one that divides the security forces, the intelligentsia, the Islamic movement and even the government itself. The government's ambivalence can perhaps be attributed to a mixture of genuine ideological commitment to the Public Order Laws and awareness of the political utility of the Public Order units as 'parallel' security units and enforcers of a conservative social and political order, contrasted with a countervailing tendency to portray itself as 'moderate' to the West and to secular allies in the region. In spite of this ambivalence, the media debate over the Public Order Laws demonstrates the success that the NCP continues to have in using *shari`a* to polarize debate in a country where ethnic and religious identities have become linked to the politics of conflict; whilst the Sudanese press has been willing to criticize the implementation of the Public Order Laws, it has been wary of recommending their outright cancellation.

Nevertheless, it is these divisions that explain why the role of the Public Order units is so poorly defined: they are at once an extension of the police force, an extension of the NIF/NCP, supposedly local crime fighters and yet at the same time guardians of religious morality. The social position of the Public Order units is even more

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ambiguous. In one respect, they are tasked with defending 'Arab' riverain society from the supposed vagaries of a stigmatized 'African' periphery, yet their critics view the men who staff these units as being socially peripheral themselves. Nevertheless, Bashir's stringent defence of the Public Order Police in the wake of the *YouTube* incident could be ominous for the southerners and other non-Muslim groups that remain in the north in the wake of secession – although, given the current divisions within the ruling party, it is difficult to predict how committed Bashir will remain to the promises made in his Qadarif speech.

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